

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

)
STEVEN J. BROMBERG and)
HEATHER BROMBERG,)
)
Plaintiffs,)
) CIVIL ACTION NO.
v.)
)
AVALON COMMUNITIES INC.)
d/b/a AVALON LEXINGTON HILLS,)
COHEN & ASSOCIATES, P.C., AND)
EQUIFAX INFORMATION)
SERVICES LLC,)
)
Defendants.)
)
)

NOTICE OF REMOVAL

COMES NOW Equifax Information Services LLC (“Equifax”), Defendant in the above-captioned action, and hereby files this Notice of Removal of this action from the State of Massachusetts, in the Middlesex Superior Court, Commonwealth of Massachusetts, wherein it is now pending as Civil Case No. 2011-4039, to the United States District Court for District of Massachusetts, embracing the place where this action is pending. This Notice of Removal is filed pursuant to 28 U.S.C. § 1441 and 1446. In support hereof, Defendant shows this Court as follows:

1. An action was commenced against Equifax in the Commonwealth of Massachusetts, in the Middlesex Superior Court, entitled *Steven J. Bromberg and Heather Bromberg v. Avalon Communities Inc. d/b/a Avalon Lexington Hills, Cohen & Associates, P.C., and Equifax Information Services LLC*, Civil Case No. 2011-4039, by service upon Equifax of a

Summons and Complaint on February 10, 2012. A copy of Plaintiffs' Complaint is attached to this Notice of Removal as Exhibit 1.

2. As of the date of filing this Removal, Equifax has knowledge of defendant Cohen and Associates, but no knowledge that any other parties have been served. Equifax attempted to confer concerning removal with counsel for defendant Cohen and Associates, but counsel was unavailable and could not be reached.

3. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1331, in that this is a civil action arising under the constitution, laws or treaties of the United States; specifically 15 U.S.C. § 1681 *et seq.*, otherwise known as the Fair Credit Reporting Act ("FCRA"), as follows:

(a) Plaintiff's complaint, on its face, alleges a violation of the FCRA. (Complaint, ¶¶ 91, 96 attached hereto as Exhibit 1).

(b) The FCRA, pursuant to 15 U.S.C. § 1681p, provides that any action alleging a violation of its provisions "may be brought in any appropriate United States district court without regard to the amount in controversy."

4. This Notice of Removal is filed within 30 days of receipt of the Complaint by Defendant.

5. This Notice of Removal is being filed with the Commonwealth of Massachusetts, in the Middlesex Superior Court, and is being served via United States Mail on Plaintiffs, as set forth in the attached Certificate of Service.

WHEREFORE, Defendant prays that the above-described action now pending in the Massachusetts, in the Middlesex Superior Court, be removed to this Court.

Respectfully submitted this 2nd of March, 2012.

EQUIFAX INFORMATION SERVICES LLC
By its attorney,

/s/ Katherine S. Kayatta
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was served electronically to registered participants of the ECF system and mailed via first-class mail, postage prepaid, on this 2nd day of March, 2012 to:

Paul F. Murphy
Law Offices of Paul F. Murphy
8 Thomas Street
Jamaica Plain, MA 02130

/s/ Katherine S. Kayatta
Katherine S. Kayatta